

CRM No.276 of 2021
Via video conference

21.01.21
(S.R.)
Sl.158
Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kharagpur (Town) Police Station Case No.411 of 2020 dated 06.10.2020 under Sections 306/34 of the Indian Penal Code (G.R. Case No.707 of 2020);

And

In re: Anirban Laha

... petitioner.

Mr. Suman De

Mr. Debanshu Ghorai

... for the petitioner.

Mr. Prasun Kr. Dutta, APP

Mr. Subrata Roy

...for the State.

Mr. Gourab Ghosh

... for the de facto complainant.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The alleged incident was on 4th January, 2020 and an application under Section 156(3) was filed by the *de facto* complainant on or about seven months thereafter. On the basis of the same, the criminal proceeding was initiated.

He submits that the petitioner was a friend of deceased at the time they were studying in Class XI. Thereafter, the deceased went to Bhopal and developed relationship with one Balraj Singh. In view of the nature of allegations, custodial detention of the petitioner is not necessary.

Mr. Dutta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Mr. Ghosh, learned advocate appearing for the *de facto* complainant submits that the deceased was introduced to Balraj Singh by the petitioner herein.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner,

namely, **Anirban Laha**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is made clear that the petitioner shall cooperate with the investigation as and when required.

Accordingly, the application for anticipatory bail being CRM No.276 of 2021, is allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)